IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVILI APPELLATE JURISDICTION.

WRIT PETITION NO.9191 OF 2004

Subodh Mody, .. Petitioner

Vs

Hemendra R. Ghia, .. Respondent

Mr N.Y.Gupte, for the petitioner.

Ms.Sujata Mhadgul, for the respondent.

CORAM : D.B.BHOSALE,J.

DATE : 25th November, 2004.

PC:

1. By this petition, the petitioner has challenged the order dated 19.10.2004 passed by the City Civil Court, Mumbai, rejecting the application filed by the petitioner-plaintiff seeking permission to examine one Taraben Patel as his witness.

2. I heard the learned counsel for the parties for some time. They fairly stated that the reasons need not be recorded for disposing of the petition and they have agreed for the following order.

(i) The petitioner will have liberty to examine Taraben Patel as his witness.

(ii) Liberty to the respondent to raise objection regarding the admissibility and relevancy of certain statements in the affidavit of examination-in-chief at appropriate stage. If such objection is raised, same may be considered on merits in accordance with law.

(iii) In view of this, the impugned order is quashed and set aside.

(iv) The writ petition is disposed of in the aforesaid terms.

(D.B.BHOSALE, J.)